

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 23-cr-63 (KMM/DJF)

Plaintiff,

v.

**ORDER**

Vatthana Andy Sengsouriya,

Defendant.

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This matter is before the Court on Defendant Vatthana Andy Sengsouriya's motions for discovery, disclosure and other nondispositive relief. Based on the parties' submissions and agreement, the Court does not believe a hearing would be necessary or helpful in resolving these disputes. Based on the nondispositive motions, and on the entire file, the Court enters the following Order.

**I. Mr. Sengsouriya's Motion to Compel Attorney for the Government to Disclose Evidence Favorable to the Defendant (ECF No. [19])**

Mr. Sengsouriya's motion to compel the Government to disclose evidence favorable to the defendant is **GRANTED** to the extent required by *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Giglio*, 405 U.S. 150 (1972), and their progeny. These cases impose affirmative and ongoing disclosure obligations on the Government.

**II. Mr. Sengsouriya's Motion for Discovery and Inspection (ECF No. [20]) and Motion for Discovery of Expert Under Rule 16(a)(1)(G) (ECF No. [23])**

Mr. Sengsouriya's motions are **GRANTED** insofar as the Government shall provide discovery to the extent required by Rules 16 and 26.2 of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all other applicable statutory and constitutional rules.

With respect to expert discovery pursuant to Rules 16(a)(1)(G) and 16(b)(1)(C), the following deadlines shall apply, previously ordered (*see* ECF No. 14 at 2):

- a. Initial expert disclosures: **28 days prior to trial.**
- b. Rebuttal expert disclosures: **14 days prior to trial.**

**III. Mr. Sengsouriya's Motion for Early Disclosure of Jencks Act Material (ECF No. [21])**

Mr. Sengsouriya's Motion for early disclosure of Jencks Act material is **DENIED**. *See United States v. White*, 750 F.2d 726, 728–29 (8th Cir. 1984). However, the Government has agreed, to provide any Jencks Act material it has not already disclosed at least one week prior to the commencement of trial. The Court encourages the Government to make such disclosures at least two weeks prior to the commencement of trial and to engage in “open-file” discovery, if possible, to ensure that there are no unnecessary delays at trial and to promote the fairness of the proceedings.

**IV. Mr. Sengsouriya's Motion to Retain Rough Notes (ECF No. [22])**

Mr. Sengsouriya's motion seeking an order requiring law enforcement agents to retain and preserve rough notes made as part of their investigation is **GRANTED**. Disclosure of rough notes is not required at this time.

**V. Mr. Sengsouriya's Pretrial Motion for Disclosure of 404(b) Evidence (ECF No. [24])**

Mr. Sengsouriya's motion for disclosure of evidence the Government may introduce pursuant to Federal Rule of Evidence 404(b) is **GRANTED IN PART**. The Government shall provide the notice required by Rule 404(b) at least **14 days** prior to trial. The notice requirement does not apply to evidence of conduct that is inextricably intertwined with the offense conduct charged.

**SO ORDERED.**

Dated: May 9, 2023

*s/ Dulce J. Foster*

Dulce J. Foster

United States Magistrate Judge